

## Panama Canal Regulations

## § 253.38

(b) Physical or mental unfitness for the position for which applied.

(c) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.

(d) Intentional false statements or deception or fraud in examination or appointment.

(e) Habitual use of narcotics or habitual use of intoxicating beverages to excess.

(f) In the case of citizens of the United States, reasonable doubt as to the loyalty of the person involved to the Government of the United States.

(g) In the case of non-United States citizens, reasonable doubt that the person involved would refrain from committing acts inimical to the interests of the Government of the United States.

(h) Refusal to furnish testimony in regard to matters inquired of arising under the regulations in this chapter, or refusal to furnish testimony in connection with investigations conducted pursuant to Executive Order 10450 of April 1953. (3 CFR, 1949-1953 Comp., p. 936.)

(i) Any legal or other disqualification which makes the applicant unfit for the service.

### § 253.35 Appointments subject to investigation.

(a) All initial appointments or re-appointments made under this part shall be subject to such investigation as may be required to establish the appointee's qualifications and suitability for employment.

(b) Except in cases involving intentional false statements, or deception or fraud in examination or appointment, the condition "subject to investigation" automatically expires at the end of 1 year after the effective date of the appointment.

(c) For a period of 1 year after the effective date of any appointment subject to investigation, the head of the agency may remove the employee if investigation discloses that he is disqualified for any of the reasons listed in § 253.34. Thereafter removal may be required only on the basis of intentional false statements or deception or fraud in examination or appointment.

### § 253.36 Prohibited practices.

(a) *Coercion in competition.* An applicant for competitive examination, eligible on any register, or officer or employee in the executive branch of the Government may not directly or indirectly persuade, induce, or coerce, or attempt to persuade, induce, or coerce any prospective applicant to withhold filing application, or any applicant or eligible to withdraw from competition or eligibility for the purpose of either improving or injuring the prospects of any applicant or eligible for appointment. The penalty for violation of this section by applicants or eligibles shall be cancellation of application or eligibility, as the case may be. The penalty for violation of this section by an employee shall be as determined by the head of the agency.

(b) *Instruction of applicants.* Employees are forbidden to instruct, either directly or indirectly, or to be concerned in any manner with the instruction of any person or classes of persons with a view to their special preparation for examinations conducted pursuant to the regulations in this part, except as a part of a government authorized or sponsored program. Violations of this restriction shall be considered sufficient cause for removal from the service.

### § 253.37 Examinations.

The Manager, CEO shall be responsible for conducting open competitive examinations for entrance into the service which will fairly test the relative capacity and fitness of the persons examined for the position to be filled. When sufficient competent persons are not available to provide competition, the Manager, CEO may, with the consent of the employing agency, examine and certify for competitive appointment fewer than three individuals.

### § 253.38 Rating competitors.

(a) The subjects in examinations shall be given such relative weight as the Central Examining Office may prescribe and the same rating scale shall be applied to all persons competing in the same examination. Earned ratings will be augmented for eligible veterans in accordance with the provisions of 5

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CFR 337.101(b), (c). Eleven points will be added to the earned ratings of eligible Panamanians.

(b) In rating competitors, CEO shall, in the case of veteran's preference eligibles, provide for waiver of the physical standards and requirements in accordance with 5 U.S.C. 3312.

#### **§ 253.39 Establishment of registers of eligibles.**

The names of eligibles (those competitors who meet minimum requirements and are rated as attaining the minimum required rating) shall be entered on appropriate registers in the order outlined below. In the judgment of CEO, eligibility on registers may be established on the basis of earned eligible ratings attained in appropriate examinations for positions in the competitive service.

(a) According to their ratings (including veteran preference and Panamanian preference).

(b) An individual entitled to veteran preference shall be entered ahead of all others having the same rating.

(c) All veterans who have a compensable service-connected disability of 10 percent or more shall be entered at the top of the register in the order of their ratings, except for professional and scientific positions comparable in pay level to positions in grades Non-Manual 9 and above.

(d) When establishing registers, or making certifications therefrom, CEO will provide for priority consideration for career and career-conditional employees of agencies operating in the Republic of Panama who have been separated by reduction in force. However, such priority consideration shall not extend to any position which is in a pay level higher than that from which the employee was separated. Any benefits conferred pursuant to this section are in addition to those conferred by entry of the employee's name on the employing activity's reemployment priority list.

(e) CEO will take appropriate action to insure that veterans of, or persons serving in, the Armed Forces of the United States, receive the same consideration in examinations and entry upon registers as are provided for the

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competitive service by 5 CFR 332.311, 332.312, 332.313, 332.321, 332.322.

(f) CEO will establish appropriate time periods and procedures for terminating the eligibility of individuals on a register.

#### **§ 253.40 Certificate for appointment.**

(a) Upon receipt of a request for certification of eligibles, a sufficient number of names to permit the appointing officer to consider three eligibles in connection with each vacancy shall be certified from the top of the appropriate register. Certificates may contain fewer than three names, if fewer than three eligibles are available and the requesting agency consents to issuance of such a certificate.

(b) [Reserved]

(c) If the number of eligibles on the register is insufficient, CEO, in consultation with the employing agency, will determine whether selective certification is to be made from another register, whether a recruiting campaign to attract applicants for examination should be initiated, or whether examining action is to be taken in accordance with § 253.37 or a temporary appointment authorized in accordance with § 253.43.

(d) When there is no register appropriate as a whole for certification for filling a particular position, there may be certified selectively from the most nearly appropriate existing register the names of eligibles who are qualified for the particular position. Such eligibles shall be certified in the order of their ranking. Eligibles on the register may, when appropriate, be rerated on the basis of the particular requirements of the position.

(e) Certification shall be made without regard to sex, unless the appointing officer requests and justifies referral of eligibles of a specified sex.

(f) Certification must be limited to eligibles residing in the Republic of Panama except when persons possessing the requisite skills and qualifications are not found in the Republic of Panama.

#### **§ 253.41 Selection from certificates.**

Selections from certificates are made by application of either the rule of three or the rule of ten.